

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JONATHAN MONSARRAT,

Plaintiff-Defendant in counterclaim

v.

BRIAN ZAIGER

Defendant-Plaintiff in counterclaim.

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) CIVIL ACTION NO. 17-cv-10356-PBS
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**DEFENDANT IN COUNTERCLAIM'S MOTION FOR LEAVE TO FILE A REPLY TO
ZAIGER'S OPPOSITION TO DEFENDANT IN COUNTERCLAIM'S MOTION TO
AMEND ANSWER TO COUNTERCLAIM BY ADDING A COUNTERCLAIM**

Pursuant to Local Rule 7.1(b)(3), Jonathan Monsarrat, defendant in counterclaim requests leave to file a reply to Zaiger's February 13, 2018 opposition, Doc. 107, to Monsarrat's January 30, 2018 motion (Doc. 93) for leave to file an amended answer and counterclaim to Zaiger's counterclaim.

Among other things Zaiger's opposition mischaracterizes the record, ignores applicable Massachusetts law as to claim preclusion, applies incorrect legal standards, and makes unsupported contentions that are both immaterial and impertinent.

A reply will assist the Court to determine to Monsarrat's January 30, 2018 motion (Doc. 93) for leave to file an amended answer and counterclaim to Zaiger's counterclaim.

WHEREFORE Jonathan Monsarrat requests leave to file the proposed reply attached as Exhibit A.

DATED: February 23, 2018.

Respectfully submitted,

JONATHAN MONSARRAT,

By his attorney,

ss/ Richard A. Goren

Richard A. Goren, Esq. BBO #203700

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I hereby certify that on February 20, 2018, I conferred by email with plaintiff in counterclaim's counsels and attempted in good faith to resolve or narrow the issues.

/s/ Richard A. Goren

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), on February 23, 2018.

/s/ Richard A. Goren